

1 AN ACT in relation to municipalities.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Illinois Municipal Code is amended by
5 changing Section 9-2-9 as follows:

6 (65 ILCS 5/9-2-9) (from Ch. 24, par. 9-2-9)

7 Sec. 9-2-9. Preliminary procedure for local improvements
8 by special assessment. All ordinances for local improvements
9 to be paid for wholly or in part by special assessment or
10 special taxation shall originate with the board of local
11 improvements. Petitions for any local improvement shall be
12 addressed to that board. The board may originate a scheme for
13 any local improvement to be paid for by special assessment or
14 special tax, either with or without a petition, and in either
15 case shall adopt a resolution describing the proposed
16 improvement. This resolution may provide that specifications
17 for the proposed improvement be made part of the resolution
18 by reference to specifications previously adopted by
19 resolution by the municipality, or to specifications adopted
20 or published by the State of Illinois or a political
21 subdivision thereof, provided that a copy of the
22 specifications so adopted by reference is on file in the
23 office of the clerk of the municipality. This resolution
24 shall be at once transcribed into the records of the board.

25 The proposed local improvement may consist of the
26 acquisition of the necessary interests in real property and
27 the construction of any public improvement or any combination
28 of public improvements, including, but not limited to,
29 streets street, storm drain sewers sewer, water mains main,
30 or sanitary sewer improvements, sidewalks, walkways, bicycle
31 paths, landscaping, lighting improvements, signage

1 improvements, vehicular parking improvements, any additional
2 improvements necessary to provide access to the public
3 improvements, and all necessary and appurtenances~~7~~-~~or~~-any
4 ~~combination-thereof~~7, in a local contiguous area pursuant to a
5 single special assessment project, provided that in assessing
6 each lot, block, tract, and parcel of property, the
7 commissioner so assessing shall take into consideration
8 whether each lot, block, tract, or parcel is benefited by all
9 or only some of the improvements combined into the single
10 special assessment project. For purposes hereof, a local
11 contiguous area shall be defined as an area in which all of
12 the lots, blocks, tracts, or parcels located within the
13 boundaries thereof will be benefited by one or more of the
14 proposed improvements. The fact that more than one
15 improvement is being constructed as part of a single special
16 assessment project shall not be grounds for an objection by
17 an assessee to the special assessment proceeding in court.

18 Whenever the proposed improvement requires that private
19 or public property be taken or damaged, the resolution shall
20 describe the property proposed to be taken or damaged for
21 that purpose. The board, by the same resolution, shall fix a
22 day and hour for a public hearing thereon. The hearing shall
23 not be less than 10 days after the adoption of the
24 resolution. The board shall also have an estimate of the cost
25 of the improvement (omitting land to be acquired) made in
26 writing by the engineer of the board, (if there is an
27 engineer, if not, then by the president) over his signature.
28 This estimate shall be itemized to the satisfaction of the
29 board and shall be made a part of the record of the
30 resolution. However, such an estimate is not required in
31 municipalities having a population of 100,000 or more when
32 the proposed improvement consists only of taking or damaging
33 private or public property. And in cities and villages which
34 have adopted prior to the effective date of this Code or

1 which after the effective date of this Code adopt the
2 commission form of municipal government, the estimate of the
3 cost of the improvement, (omitting land to be acquired),
4 shall be made in writing by the public engineer if there is
5 one, of the city or village, if not, then by the mayor or
6 president of the city or village.

7 Notice of the time and place of the public hearing shall
8 be sent by mail directed to the person who paid the general
9 taxes for the last preceding year on each lot, block, tract,
10 or parcel of land fronting on the proposed improvement not
11 less than 5 days prior to the time set for the public
12 hearing. These notices shall contain (1) the substance of the
13 resolution adopted by the board, (2) when an estimate is
14 required by this Division 2 the estimate of the cost of the
15 proposed improvement, and (3) a notification that the extent,
16 nature, kind, character, and (when an estimate is required by
17 this article) the estimated cost of the proposed improvement
18 may be changed by the board at the public hearing thereon. If
19 upon the hearing the board deems the proposed improvement
20 desirable, it shall adopt a resolution and prepare and submit
21 an ordinance therefor. But in proceedings only for the
22 laying, building, constructing, or renewing of any sidewalk,
23 water service pipe, or house drain, no resolution, public
24 hearing, or preliminary proceedings leading up to the same
25 are necessary. In such proceedings the board may submit to
26 the corporate authorities an ordinance, together with its
27 recommendation and (when an estimate is required) the
28 estimated cost of the improvement, as made by the engineer.
29 Such proceedings shall have the same effect as though a
30 public hearing had been held thereon.

31 In the event that a local improvement is to be
32 constructed with the assistance of any agency of the Federal
33 government, or other governmental agency, the resolution of
34 the board of local improvements shall set forth that fact and

1 the estimate of cost shall set forth and indicate, in dollars
2 and cents, the estimated amount of assistance to be so
3 provided.

4 (Source: 90-480, eff. 8-17-97.)

5 Section 99. Effective date. This Act takes effect on
6 January 1, 2004.